

### REMARKS

The Examiner is thanked for the courteous interview granted Applicants' representative on March 23, 2004. The present Amendment has been prepared pursuant to comments and suggestions made during the interview.

Amendments were made to the specification to correct errors noted therein. No new matter has been added by any of the amendments.

In the Office Action, the Examiner indicates that the drawings filed on 21 December 2003 are accepted. This application, however, was filed with informal drawings on December 21, 2000, and formal drawings were received in the PTO on March 19, 2001. The informal drawings contained only **Figures 8A and 8B**. When the formal drawings were prepared, however, it was necessary to break original, informal **Figure 8B** into two parts resulting in the formal drawings including **Figures 8A, 8B and 8C**. The specification has been amended herein to properly refer to all three Figures, and it will be appreciated if the Examiner confirm that the formal drawings were received in the PTO on March 19, 2001 are accepted.

Claims 1-48 are pending in the present application. Claims 1-12, 16-23, 25-28, 32-38, 41-44 and 48 have been amended. No claims have been added, and no claims have been canceled. Claims 1-48, as presented herein, are believed to patentably distinguish over the cited art and to be allowable in their present form, and reconsideration of the rejection is respectfully requested in view of the above amendments and the following comments.

#### **I. 35 U.S.C. § 101**

The Examiner has rejected claims 1-16 under 35 U.S.C. § 101 because the claimed invention is directed towards non-statutory subject matter. The Examiner contends that the method claims, as presented, do not claim a technological basis in the body of the claim; and, thus, may be interpreted in an alternative as involving no more than a manipulation of an abstract idea.

To overcome this rejection, the Examiner recommends that the claims be amended to better clarify which of the steps are being performed within the technological

arts, and suggests terminology such as "simultaneously displaying at a computer network, using a single screen image, a plurality of different items offered for auction".

In order to expedite prosecution, independent claim 1 has been amended generally as suggested by the Examiner to positively recite that the step of simultaneously displaying is "at a computer network", and the step of simultaneously submitting is "over a computer network". In view of such amendments, it should be clear that claims 1-16 are directed to statutory subject matter and fully satisfy the requirements of 35 U.S.C. § 101.

Therefore the rejection of claims 1-16 under 35 U.S.C. § 101 has been overcome.

## **II. 35 U.S.C. § 102, Anticipation**

The Examiner has rejected claims 1, 9-12, 15-17, 25-28, 31-33, 41-44 and 47-48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,647,373 to Carlton-Foss. This rejection is respectfully traversed.

The present invention relates to an electronic auction method and system that permits a bidder to enter bids on a plurality of different items using a single screen image, and to then simultaneously submit the different bids from the single screen image. In the present invention, a plurality of items that are offered for bid are simultaneously displayed in a single screen image, a bidder can enter a bid on any or all of the displayed items using the single screen image, and can then simultaneously submit all the entered bids from the same single screen image.

Carlton-Foss is directed to a method and system for conducting an electronic reverse auction. In Carlton-Foss, a requestor can present a list of items for which bids are requested to a plurality of bidders, and bidders can submit bids for the items in a format that enables the requestor to evaluate the bids and select a desired bid.

In rejecting the claims as being anticipated by Carlton-Foss, the Examiner states as follows:

Regarding claims 1, 17, and 33, Carlton-Foss discloses an electronic auction method, system, and computer-readable-medium comprising the steps of:

- simultaneously displaying, using a single screen image, a plurality of different items offered for auction (see at least col. 3, lines 20-23; col. 5, lines 64-66; col. 6, lines 38-40; Figures 4a-4b; col. 3, lines 61-67);

- permitting entry of a different bid for each of a plurality of the plurality of different items using the single screen image (see at least col. 3, lines 23-26; col. 6, lines 3-4; col. 6, lines 21-23, col. 6, lines 3-40; Figures 4a-4b; Figure 5; col. 3, lines 61-67); and
- simultaneously submitting the bid for each of the plurality of the plurality of different items from the single screen image (see at least col. 3, lines 30-37; col. 6, lines 10-13; col. 6, lines 21-23; col. 6, lines 38-40; Figures 4a-4b; Figure 5; col. 3, lines 61-67).

Office Action dated February 12, 2004, pages 3 and 4.

Claim 1 of the present application reads as follows:

1. A method in an electronic auction for permitting simultaneous submission of bids on multiple different items using a single screen image, said method comprising the steps of:
  - simultaneously displaying, at a computer network, using a single screen image, a plurality of different items offered for auction;
  - permitting entry of a different bid for each of a plurality of said plurality of different items using said single screen image; and
  - simultaneously submitting, over said computer network, each said different bid for each of said plurality of said plurality of different items from said single screen image.

Carlton-Foss does not disclose the step of permitting entry of a different bid for each of a plurality of a plurality of different items using a single screen image. Instead, in Carlton-Foss, it is necessary to switch from one screen to another to enter a bid. In particular, as noted by the Examiner, Figures 4a and 4b of Carlton-Foss illustrate a screen on which several items offered for bid are displayed. Nowhere on that screen, however, is there anything that will permit an entry of a different bid for any of the plurality of different items offered for bid. Instead, in Carlton-Foss, it is necessary to switch to a screen such as illustrated in Figure 14 in order to enter a bid on a single item.

In particular, in column 13, lines 14-28, Carlton-Foss states:

By pressing the add new bid hot spot in the bid cover sheet in Fig. 12a and 12b, the prospective supplier is presented with a form for creating a bid cover sheet such as the one shown in Fig. 13. The prospective supplier fills out the

required information in the bid cover sheet form and presses the "Submit" button to send the cover sheet information to the electronic auction system for processing. By returning to an intervening menu screen and pressing the new bid line item hot spot, the prospective supplier is presented with a form for creating one out of an indefinite number of line items for the bid, such as the form shown in Fig. 14. The prospective supplier fills out the required information in the bid line item form and presses "Submit" button to send the line item information to the electronic auction system for processing.

Thus, in Carlton-Foss, it is necessary to switch from one screen to another, even to enter a bid on a single item. There is no disclosure in the reference that bids on a plurality of different items can be entered on a single screen image.

It should also be noted, that although Carlton-Foss permits a plurality of line items to be filled out for a bid on a screen, the line items are not separate bids on different items, but simply specify the terms by which the bidder is submitting a single bid on a single item.

Carlton-Foss also does not disclose the claimed step of simultaneously submitting each different bid for each of the plurality of the plurality of different items from the single screen image. Instead, submission of only a single bid on a single item is made using a screen such as illustrated in Figure 14 of Carlton-Foss.

In rejecting the claims the Examiner referred to col. 6, lines 38-40 of Carlton-Foss which reads as follows:

Performing all of these operations on a single screen would not change the fundamental nature of the invention.

This statement, however, pertains to the previous discussion in Carlton-Foss at Col. 6, lines 27-38 which reads as follows:

Upon accessing a public or private network and entering the part of the system that displays new requests on which the supplier is invited to submit a proposal, the bidder may perform a mouse click on a URL hot spot to display an electronic bid cover sheet. After completing the cover sheet, and storing the information by clicking on a submit button, bidders can click on another hot spot to begin entering as many line items as required to complete the bid. After storing the cover sheet or any line item entry, the bidder may modify it by clicking on another hot spot, modify the information, and store the changes by clicking on a submit button on a screen.

Carlton-Foss appears to state that the various steps of entering and submitting a bid on an item may be performed using a single screen image rather than a plurality of screen images as described in the patent. However, at best, the reference discloses only that a single bid on a single item can be entered and submitted from a single screen image. The reference does not disclose entering bids on a plurality of items and simultaneously submitting the plurality of bids from a single screen image.

Claim 1, accordingly, is not anticipated by Carlton-Foss and withdrawal of the rejection thereover is respectfully requested.

Independent claims 17 and 33 contain limitations similar to claim 1 and should be allowable in their present form for substantially the same reasons as discussed above with respect to claim 1.

Claims 9-12, 15-16, 25-28, 31-32, 41-44 and 47-48 all depend from and further restrict one of independent claims 1, 17 and 33, and should also be allowable in their present form, at least by virtue of their dependency.

Therefore, the rejection of claims 1, 9-12, 15-17, 25-28, 31-33, 41-44 and 47-48 as being anticipated by Carlton-Foss has been overcome.

### **III. 35 U.S.C. § 103, Obviousness**

The Examiner has rejected claims 2-8, 13-14, 18-24, 29-30, 34-40 and 45-46 under 35 U.S.C. § 103(a) as being unpatentable over Carlton-Foss in view of U.S. Patent No. 6,415,270 to Rackson et al. (hereinafter "Rackson") This rejection is respectfully traversed.

In rejecting the claims, the Examiner acknowledges that Carlton-Foss does not disclose the plurality of auction types such as interactive auction, single auction and priced auction as recited in claims 2-8, 18-24 and 30-34, and does not disclose the proxy as recited in claims 13-14, 29-30 and 45-46. The Examiner contends, however, that Rackson teaches the auction types and the proxy, and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

the electronic auction method, system, and computer-readable medium of Carlton-Foss to include the auction types and to include the proxy as taught by Rackson.

Initially, claims 2-8, 13-14, 18-24, 29-30, 34-40 and 45-46 all depend from and further restrict one of independent claims 1, 17 and 33. Rackson does not supply the deficiencies in Carlton-Foss, as discussed above, and the claims should be allowable in their present form, at least by virtue of their dependency. In addition, it should be noted that Carlton-Foss is directed to a reverse auction in which bidders are bidding to supply requested items. In the reverse auction as described in the reference, bidders list all of the terms and conditions by which they are willing to supply the requested item, and the requester selects a bid based on the terms and conditions included in the bids. It is not clear that auction types such as an interactive auction would be useful in a reverse auction, nor is it clear that a proxy is appropriate for a reverse auction. For these reasons also, it would not be obvious to one of ordinary skill in the art to combine the references as proposed by the Examiner.

Therefore, the rejection of claims 2-8, 13-14, 18-24, 29-30, 34-40 and 45-46 under 35 U.S.C. § 103(a) has been overcome.

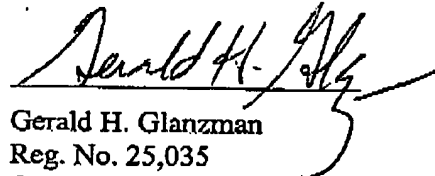
**IV. Conclusion**

For all the above reasons, claims 1-48 are believed to patentably distinguish over the references and to be allowable in their present form. This application is, accordingly, believed to be in condition for allowance and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: March 26, 2004

Respectfully submitted,



Gerald H. Glanzman  
Reg. No. 25,035  
Carstens, Yee & Cahoon, LLP  
P.O. Box 802334  
Dallas, TX 75380  
(972) 367-2001  
Attorney for Applicants